

AUDIT, GOVERNANCE AND STANDARDS COMMITTEE

26 July 2022

Update on the Government's response to the CSPL report

Timetable	
Meeting	Date
Audit, Governance and Standards Committee	26 July 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Audit, Governance and Standards Committee
Lead Head of Service	Claudette Valmond, Head of Legal Partnership
Lead Officer and Report Author	Jayne Bolas Monitoring Officer and Sahib Kaur Marwaha, Senior Legal Officer, Corporate Governance
Classification	Public
Wards affected	All

Executive Summary

The Committee on Standards in Public Life (CSPL) conducted a review of local government ethical standards, published in January 2019. The Government published its response to the recommendations in March 2022, titled: Local government ethical standards: government response to the Committee on Standards in Public Life report. This report updates members on the content and Government's intentions.

Purpose of Report

For noting.

This report makes the following recommendations to the Committee

1. That the Audit, Governance and Standards Committee note the information set out in this report.

Update on the Government's response to the CSPL report

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	High standards of conduct are essential amongst Members in delivering the Council's priorities. The model Code of Conduct consultation supports this.	Interim Deputy Head of Legal MKLS
Cross Cutting Objectives	No implications.	Interim Deputy Head of Legal MKLS
Risk Management	This report is presented for information only and has no risk management implications. An effective Code of Conduct and robust complaints procedure minimises the risk of Member misconduct and is part of an effective system of governance.	Interim Deputy Head of Legal MKLS
Financial	No implications.	Interim Deputy Head of Legal MKLS
Staffing	No implications.	Interim Deputy Head of Legal MKLS
Legal	It is a requirement under the Localism Act 2011 that all Councils adopt a Code of Conduct and that the Code adopted must be based upon the Nolan Principles of Conduct in Public Life. The Members' Code of Conduct was adopted by Full Council and can be found within the Council's Constitution that can be viewed on the Council's website.	Interim Deputy Head of Legal MKLS

Information Governance	No personal information is provided as part of the report.	Interim Deputy Head of Legal MKLS
Equalities	No implications.	Interim Deputy Head of Legal MKLS
Public Health	No implications.	Interim Deputy Head of Legal MKLS
Crime and Disorder	No implications.	Interim Deputy Head of Legal MKLS
Procurement	No implications.	Interim Deputy Head of Legal MKLS
Biodiversity and Climate Change	No implications.	Interim Deputy Head of Legal MKLS

2. INTRODUCTION AND BACKGROUND

2.1. The Committee on Standards in Public Life (CSPL) is an independent, advisory, non-departmental public body, with a secretariat and budget provided by the Cabinet Office. It is responsible for:

- advising the Prime Minister on ethical issues relating to standards in public life
- conducting broad inquiries into standards of conduct;
- making recommendations as to changes in present arrangements; and
- promoting the 7 principles of public life.

2.2. The 2019 report by CSPL considered whether there was a need for a centralised body to govern and adjudicate on standards. The CSPL concluded that whilst the consistency and independence of the system could be enhanced, there was no need to reintroduce a centralised body, and that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. The CSPL made 24 recommendations and identified best practice to improve ethical standards in local government. These included a number of changes to primary legislation, to secondary legislation and the Local Government

Transparency Code. The Government's response to the CSPL report is at Appendix 1.

- 2.3. Kemi, Badenoch MP, Minister of State for Equalities and Levelling Up Communities, summarised in the Government Response that:

"The Government agrees with the Committee's conclusion that there have been benefits from local authorities being responsible for ethical standards, including the flexibility and discretion to resolve standards issues informally. However, we also recognise the role of Government in ensuring that the system is robust... The Government believes that some of these suggestions do not need a legislative response but can be more appropriately, effectively, and swiftly taken forward by local authorities as best practice. The Committee will recognise that the Government and Parliament has taken a different view on these matters when it legislated for the Localism Act 2011".

- 2.4. Overall, the Government has not made legislative changes reflecting the CSPL's recommendations. A breakdown of the Government's response appears in the briefing note at Appendix 2, but as a result of there being no legislative change there is limited scope for amendment of the Local Authority Standards regime. As a particular example, there can be no sanctions of a punitive nature, such as suspension of a Councillor for breach of the Code of Conduct.
- 2.5. The Government has taken the view that it is for Local Authorities to determine their own Code of Conduct and ethical standards based on the Nolan Principles.
- 2.6. It is noted that Recommendations 1, 2, 4, 5, 6, 9, 15 and 25 are already a part of MBC practice.
- 2.7. On several occasions, the Government's Response makes references to Local Authorities consideration of adopting the Local Government Association's suggested model Code of Conduct, published in 2021. There is a further report on the agenda for this Committee that addresses this point.
- 2.8. It is noted that the Government has stated that it will engage with Local Authorities on amending the Local Authorities (Standing Orders) (England)(Amendment) Regulations to provide disciplinary protections for statutory officers. No further information on such a consultation is currently available.

3. AVAILABLE OPTIONS

- 3.1 This report is for noting only.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 This report is for noting only.
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5. RISK

5.1 This report is presented for information only and has no risk management implications.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 None.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Although this report is for noting only, Members may wish to consider requesting further updates in the event that the Government takes action on any of the matters under review.

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1 – A copy of the Government’s Response to the Committee on Standards in Public Life review of local government ethical standards.
- Appendix 2 - Briefing Note on the Government’s Response to the Committee on Standards in Public Life review of local government ethical standards.

9. BACKGROUND PAPERS

None.